

**International Mobile Satellite Organization**

**ASSEMBLY**

Eighteenth Session

25 – 29 September 2006

**Agenda item 5**

ASSEMBLY/18/5/ADD/2

Origin: Director

Date: 1 August 2006

**DRAFT REFERENCE PUBLIC SERVICES AGREEMENT**

<b>Executive Summary:</b>	this document contains the Draft Reference Public Services Agreement arising from the Thirteenth Session of the Advisory Committee
<b>Action to be taken:</b>	to approve the Reference Public Services Agreement
<b>Related documents:</b>	ASSEMBLY/18/5 and ASSEMBLY/18/5/ADD/1 ASSEMBLY/18/INF/4, Annex IX, Reports of the Ninth to Fifteenth Sessions of the Advisory Committee

**1 DRAFT REFERENCE PUBLIC SERVICES AGREEMENT**

1.1 Document ASSEMBLY/18/5/ADD/1 was issued on 1 November 2005, and contained the text of the draft Reference Public Services Agreement (PSA) arising from the Twelfth Session of the Advisory Committee. As indicated in that document, the PSA was further refined at the Thirteenth Session of the Advisory Committee held on 15 and 16 November 2005, and its report was sent to all IMSO Member States on 12 December 2005. The Committee amended the following sections of the draft PSA: Section 7 “Compliance”, Section 10 “Costs”, Section 11 “Compliance” and Section 19 “Termination”. For the convenience of the Assembly, revisions are indicated by emboldened text in Annex I to this document.

1.2 As indicated in paragraph 4.15 of the Report of the Thirteenth Session of the Advisory Committee, the Committee agreed the text of the draft Reference Public Services Agreement as set out at the Annex to this Report, and recommended its approval by the Assembly. One possible future GMDSS service provider expressed dissatisfaction with some elements of the draft Reference PSA.

## **2 BUDGET APPORTIONMENT BETWEEN SERVICE PROVIDERS**

2.1 At its Thirteenth Session, the Advisory Committee continued its discussions regarding budget apportionment between Service Providers (Section 4 of AC/13/Report refers). The Committee recommended that the Assembly:

- (a) adopts the arrangements for the development, agreement and apportionment of the Organization's budget set out in Annex II to this document;
- (b) decides that these arrangements shall be annexed to the Reference Public Services Agreement and shall form an integral part of any future Public Services Agreement signed by the Director on behalf of the Organization;
- (c) decides also to delegate the tasks of annual agreement of the Organization's budget to the Advisory Committee;
- (d) instructs the Director to provide a report on financial matters to every regular session of the Assembly; and
- (e) requests the Director to keep these arrangements under review and to propose amendments to them as necessary.

## **3 INDEPENDENT GROUP OF EXPERTS: TERMS OF REFERENCE, VERIFICATION AND EVALUATION PROCEDURES**

At its Thirteenth Session, the Advisory Committee continued its discussions regarding the Terms of Reference, Verification and Evaluation Procedures for an Independent Group of Experts (Section 5 of AC/13/Report refers). The Committee agreed that an Independent Group of Experts should be used to assist the Director to verify and evaluate information offered by potential new providers in order to provide transparency and openness in the process. The Committee concluded that:

- (a) the Group should normally be composed of three members;-

- (b) consideration should be given to the need for each expert to come from a different country/region; and
- (c) the Director should seek to ensure members had no conflicting interests and in particular should not have any connection with the applicant company nor with the sponsoring government.

Some possible future GMDSS service providers believed that the process of verification and evaluation should instead be carried out by the Secretariat.

The Committee agreed the terms of reference and operational procedures for the Independent Group of Experts attached at Annex III to this document.

#### 4 **ACTION REQUIRED**

4.1 Assembly decides to approve the Reference Public Services Agreement.

4.2 The Assembly also:

- (a) adopts the arrangements for the development, agreement and apportionment of the Organization's budget set out in Annex II to this document;
- (b) decides that these arrangements shall be annexed to the Reference Public Services Agreement and shall form an integral part of any future Public Services Agreement signed by the Director on behalf of the Organization;
- (c) decides also to delegate the tasks of annual agreement of the Organization's budget to the Advisory Committee;
- (d) instructs the Director to provide a report on financial matters to every regular session of the Assembly; and
- (e) requests the Director to keep these arrangements under review and to propose amendments to them as necessary.

4.3 The Assembly notes the terms of reference and operational procedures for the Independent Group of Experts attached at Annex III to this document.

.

---